

**Regular Minutes
Council/RDA Meeting
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, February 06, 2006
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audiotape of the 4:30 p.m. portion of this meeting
and a videotape of the 6:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.**

The 4:00 P.M. portion of the meeting was recessed by Deputy City Clerk Patricia Albers to 4:30 P.M. in room B-8 due to a lack of quorum.

Call to Order

Mayor Sullivan called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:32 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook.
Absent: None.

The Assistant City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Robin Lugar announced Late Communications regarding Study Session or Closed Session items received by the City Clerk's Office following distribution of the agenda packet.

Communication submitted by George Mason dated February 6, 2006 titled *Neighborhood Compatibility* requesting appointment of a committee of staff and residents to study the issue.

Communication submitted by George Mason, undated, titled *Glaring Examples of Neighborhood Incompatibility*, which are copies of photos of homes on Bermuda Drive and Mediterranean Drive.

Public Comments Regarding 4:00 P.M. Portion of the Meeting

Diane Ryan, member of the Historic Resources Board of Huntington Beach and thirty-year resident, stated her familiarity with the historic areas of Huntington Beach and voiced her concerns about what she referred to as a loss of character due to overbuilding. She suggested the Historic Resources Board review remodeling requests in order to preserve the City's history.

Richard Batistelli spoke regarding the development of neighborhoods in the City and asked that the Harbour area be included in the discussion of neighborhood compatibility.

George Mason, resident of southeast Huntington Beach, spoke about residential remodeling projects completed in the last few years and stated his concerns with some unusual exteriors of remodeled homes. He referred to his Late Communication, which was announced earlier by the Assistant City Clerk, and asked Council to carefully consider the issue. Mr. Mason requested Council publish guidelines for residents to use in remodeling projects. He suggested Councilmembers review the Rancho Palos Verdes handbook, which he said is available online, and asked that a committee of residents and staff be appointed to review the issue.

John Roe, member of Huntington Seacliff Homeowners' Association, spoke regarding the City's original infill ordinance. He asked if there is an existing maximum floor area ratio (FAR), if a remodeling project encompassing less than 50% falls within the infill ordinance, how adjacent property owners are defined, and if appeals can be made to decisions by the Director of Community Development. Mr. Roe voiced his support for enhancing the infill ordinance to assist existing residents in maintaining their neighborhoods.

(City Council/Redevelopment Agency) Study Session on Neighborhood Compatibility Held - A Presentation was Given on Possible Methods to Address the Compatibility of Proposed Additions to Existing Single-Family Residences with the Established Character of the Surrounding Residential Neighborhood. (440.10)

Planning Manager Scott Hess gave an overview of the topic, noting that it does not directly relate to the Wesley Park Overlay issue (item No. H-2a on the agenda). He introduced Principal Planner MaryBeth Broeren and Associate Planner Ricky Ramos. Planner Ramos gave a PowerPoint report titled *Neighborhood Compatibility*, which was included in the agenda packet.

Mayor Pro Tem Coerper inquired how Planning staff determines that a project is "out of scale," and Planner Ramos responded the determination could be subjective. Mayor Sullivan asked about the criteria for height measurements, and Planner Ramos confirmed that the measurement is made from the sub floor of the property to the peak of the roof. Manager Hess explained the rationale for the two-foot-above-the-curb allowance, speaking of grading variations. Mayor Sullivan asked for the definition of adjacent property owners, as requested by the Public Speaker. Planner Ramos explained that adjacent properties are those on any side, touching the property in question.

Planner Ramos spoke regarding surveys of forty other cities pertaining to methods used to promote neighborhood compatibility. He offered potential solutions including: Upper Story Setbacks, Façade Articulation, Upper Story Ratios, amending the existing Residential Infill Ordinance, and amending the existing Third Story Ordinance.

Councilmember Hansen asked how many third-story applications Planning has received in the past two years, and Planner Broeren reported less than ten applications per year. Councilmember Hansen asked for suggestions on how to address architecture and style,

which he stated are subjective issues. Planner Ramos suggested starting with amendments to the infill ordinance and including the Design Review Board in style reviews. Planner Broeren suggested restricting types of materials used in remodels.

Councilmember Hardy spoke regarding exceptions that have been made to the thirty-foot height maximum, asking for greater enforcement of the rule. She stated concerns with architectural aspects of remodels, asking for constraints other than materials and voiced an interest in expanding the Residential Infill Ordinance. Councilmember Hansen suggested creation of guidelines that do not result in "neighbor versus neighbor" debates. Councilmember Bohr voiced his concerns with applying a ratio or number to remodeling, and an artificial cap being placed on the marketplace and on property taxes.

Mayor Pro Tem Coerper inquired if the idea of a committee of residents and staff members to study the issue would be feasible. City Administrator Penny Culbreth-Graft reported on an existing Council subcommittee, stating Council may choose to create another committee. Mayor Pro Tem Coerper asked if an appeal process currently exists, and Manager Hess reported there is currently an appeal for third-story applicants, but not for infill ordinance decisions. Administrator Culbreth-Graft requested the opportunity to meet with staff regarding the structure of a new committee before its formation.

Mayor Sullivan stated his preference for including the public in any decision and agreed with Councilmember Hardy's opinions regarding greater enforcement of the maximum height rule. He asked Manager Hess how applications that exceed the thirty-foot height rule were approved. Manager Hess reported measurements made in the past used different criteria. Councilmember Cook stated her opinion there is a growing demand for single-story homes, and voiced her concern for homes that have solar panels and their right to sunlight.

Mayor Pro Tem Coerper inquired about height restrictions for Hearthside Homes, and Planner Broeren reported that no homes over two stories have been approved. He asked staff to report back to Council on County restrictions regarding height, setbacks, and infill of developments.

Motion to Recess to Closed Session - Approved

A motion was made by Coerper, second Bohr to recess to Closed Session on the following items. The motion carried by the consensus of all present, none absent.

(City Council) Closed Session - Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters - meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA, and Non-Associated**. Subject: **Labor Relations - Meet and Confer**. (120.80)

(City Council) Closed Session - Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **City of Huntington Beach v. State of California, 05CC0018; City of Huntington Beach v. POA, USDC #SA01-1125JVS; Scottsdale v. City of Huntington Beach, USDC #SA03-1143JVS** Subject: **Actions to Recover Cleanup Costs - City of Huntington Beach v. State of California; 05CC00118; City of Huntington Beach v. POA, USDC #SA01-1125JVS; Scottsdale v. City of Huntington Beach, USDC #SA03-1143JVS.** (120.80)

(City Council) Closed Session - Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Serena King, Individually, and as Guardian Ad Litem for her minor children, Anthony Michael Pignatori and Keriann King, vs. City of Huntington Beach, et al. OCSC Case No. 03CC07408.** Subject: **Serena King, Individually, and as Guardian Ad Litem for her minor children, Anthony Michael Pignatori and Keriann King, vs. City of Huntington Beach, et al; OCSC Case No. 03CC07408.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 6:07 p.m.

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on February 6, 2006 (Pursuant to Government Code §54957.1) Regarding the Matter of City of Huntington Beach versus State of California; 05CC00118; City of Huntington Beach versus POA, USDC No. SA01-1125JVS; and Scottsdale versus City of Huntington Beach, USDC No. SA03-1143JVS.

City Attorney Jennifer McGrath reported that on Monday, February 6, 2006 the City Council convened in Closed Session to discuss the matter of City of Huntington Beach versus State of California, 05CC00118; City of Huntington Beach versus POA, USDC No. SA01-1125JVS; and Scottsdale versus City of Huntington Beach, USDC No. SA03-1143JVS. The City Council voted to authorize the Mayor to sign and the City Clerk to attest to the settlement agreement settling the City's claim against Coast Community College District regarding the Huntington Beach Gun Range in the amount of \$150,000. (The final version of the agreement is subject to the approval of the City Attorney, consistent with the terms as approved by the Council.)

The Council voted as follows: 7 Ayes; 0 Noes

City Council/Redevelopment Agency Roll Call

Present: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook.
Absent: None.

(City Council) Mayor Sullivan Announced the Loss of Two "3/1" Marines and Dedication of Council Meeting in their Memory (120.85)

Mayor Dave Sullivan announced the loss of two Marines from the 3rd Battalion, 1st Marine (3/1), Corporal Carlos H. Arellanopandura and Lance Corporal Brandon C. Dewey, and asked that the meeting be dedicated in their memory.

Pledge of Allegiance/Flag Salute - Led by Girl Scouts of Huntington Beach Flag Unit. The Star Spangled Banner was sung by a member of the Flag Unit. The first Girl Scout Troop in Huntington Beach was established in 1912.

Invocation - Led by Rabbi Michael Myerson, Alliance of Christian and Jewish Studies

The Assistant City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Robin Lugar announced Late Communications regarding agenda items that had been received by the City Clerk's Office following distribution of the agenda packet:

Communication submitted by George Mason dated February 6, 2006 and titled *Neighborhood Compatibility* requesting appointment of a committee of staff and residents to study the issue.

Communication submitted by Stanley Smalewitz, Director of Economic Development dated February 6, 2006 and titled *Late Communication Item E-9 - Master Ocean View Estates Rental Agreement* requesting two non-substantial modifications to the agreement be incorporated.

Communication submitted by Paul Emery, Deputy City Administrator dated February 6, 2006 and titled *Late Communication - Item G-2B Approve Zoning Text Amendment No. 05-03 and Local Coastal Plan Amendment No. 05-01 (Specific Plan Amendments)* notating a correction to page one of Item G-2b, Recommended Action No. 2 which incorrectly references Ordinance No. 3626 instead of Ordinance No. 3726.

Communication submitted by Karima Khatib dated February 4, 2006 titled *H Item on Chickens for Today's Meeting* requesting changes in the proposed amendment to Chapter 7.12 of the Huntington Beach Municipal Code.

Communication submitted by Concerned Residents of Huntington Beach dated February 4, 2006 titled *Proposed Change to Ordinance Chapter 7.12 - Keeping of Fowl and Rabbits* stating their opposition to the proposed change to the city ordinance, Chapter 7.12.

Communication submitted by Robert F. Beardsley, Director of Public Works dated February 6, 2006 and titled *Late Communication, City Council Agenda February 6, 2006 - Agenda Item E-11* amending the Staff Recommendation.

The Following Communications Were Submitted During the Meeting:

Communication submitted by George Mason, undated, titled *Glaring Examples of Neighborhood Incompatibility*, which are copies of photos of homes on Bermuda Drive and Mediterranean Drive.

Communications submitted by Lynn Harris dated June 2004 and titled *Southern California Compass, Growth Vision and 2% Strategy Demonstration Projects: Assistance to SCAG Local Cities.*

Copies of photos illustrating graffiti and misuse of the flood control channel submitted by Wendy Mello, undated and untitled.

Copies of photos submitted by Mayor Pro Tem Coerper on behalf of the "3/1" Committee, undated and untitled, which feature the Huntington Beach flag flying in Iraq.

Communication submitted by Theresa Chaque dated September 7, 2005 and titled *Brush Drive Tree Saving Petition*.

Communication submitted by Robert Valeski dated July 1, 1995 and titled *Tree Removal Petition*.

Communication submitted by Chris Varga, undated, titled *Brush Drive Trees, Also Curbs and Sidewalks*.

Presentation - Mayor Dave Sullivan Called on Human Relations Task Force Chair Alan Chancellor Who Assisted in Recognizing Huntington Beach Human Relations Task Force Member Fred Provencher for Being Honored by the California Association of Human Relations Organizations for his Longstanding Human Relations Volunteer Work. (160.40)

Mr. Provencher thanked the Mayor and the City Council for the opportunity to participate in the Task Force. He also thanked his family and friends for their support. The Mayor presented Mr. Provencher with a commendation as a token of appreciation.

Public Comments

Steve Holden, resident of Wesley Park, spoke regarding the agenda item pertaining to a moratorium on demolition permits, voicing concern that homeowners have not received enough information or notification on the topic. He asked Council to postpone a decision on the Recommended Action until after the citizens have had a chance to discuss the issue at the neighborhood meeting.

Karima Khatib voiced her opinions on the agenda item pertaining to Chapter 7.12 of the Huntington Beach Municipal Code, stating that chickens make great pets. She asserted that her neighbors have no complaint with them, and that there are no odor nuisances. Ms. Khatib suggested the limit be six chickens, with a twenty-five foot distance from neighbors and thanked Mayor Pro Tem Coerper for bringing the item forward.

Barbara Sullivan spoke in support of the proposed Wesley Park Overlay and in favor of the Recommended Action on the agenda item pertaining to a moratorium on demolition permits. She asked Council to weigh residents' concerns more carefully than those of the development community.

Brian Sullivan spoke in support of the agenda item pertaining to a moratorium on demolition permits and submitted reading material regarding other cities that he stated are in the same situation. He voiced his opinions about sizes of homes and how available space should be used.

Councilmember Hardy requested Mr. Sullivan to give the materials to the Sergeant-at-Arms for distribution to Council via the City Clerk.

Alexander Linderman spoke in favor of the agenda item pertaining to Chapter 7.12 of the Huntington Beach Municipal Code. He voiced his opinion that chickens are good pets and that neighbors do not complain about them.

Wendy Mello, resident since 1963 and speaking on behalf of her neighbors on Scenario Drive, voiced concerns with rocks ending up in backyards, damage done to homes, and graffiti in the flood control channel. She distributed photos of the area in question, and alleged youths are causing the damage. Ms. Mello asked the Police Department to pay closer attention to the area.

Mayor Pro Tem Coerper asked for clarification on the location in the pictures submitted by Ms. Mello and suggested she call Orange County Flood Control. Ms. Mello clarified the location, and stated that Orange County Flood Control suggested she call the Police Department. Mayor Sullivan asked Ms. Mello to fill out a blue contact card to allow staff to follow up on her concerns.

Bonnie Erick, resident of Brush Drive, spoke regarding the project to fix curbs and gutters on her street. She voiced her concerns with losing all of the parkway trees and asked Council for a compromise.

Chris Varga, resident of Brush Drive, spoke regarding the Consent Calendar item pertaining to trees on Brush Drive. He stated 64% of the residents have recently signed a petition to save the trees. Mr. Varga voiced his opinion that the street is in good shape, and other streets in the City should be higher priority. He submitted a Late Communication, which includes copies of photos that illustrate the condition of Brush Drive and other streets.

Theresa Chaque, 20 year resident, spoke in favor of saving the trees on Brush Drive. She referred to a petition she said she would file with the City Clerk. She asked Council to vote for the option suggested by the Public Works Director (via a Late Communication announced earlier by the Assistant City Clerk) that removes Brush Drive from the petition list. Ms. Chaque refuted the validity of the previous petition, stating that the signers were not aware how it would affect the trees.

Lynette Stemmer, Wesley Park resident, asked Council to vote in favor of the agenda item pertaining to a moratorium on demolition permits in the Wesley Park Tract.

Mike Adams, representing the Huntington Beach Chamber of Commerce spoke in opposition to the agenda item pertaining to amending Specific Plans. He voiced concern that changes to the Huntington Harbour Bay Club Specific Plan will cause further delays in approval from the Coastal Commission. Mr. Adams noted that every project within this Specific Plan must go through the Conditional Use Permit (CUP) process, and urged Council to vote "No."

Kerry Leth, Brush Drive resident, urged Council to vote in favor of what she referred to as alternative solution number 4 recommended by the Public Works Director and distributed as a Late Communication.

Andrew Chaque, Brush Drive resident, gave a PowerPoint presentation that was a collection of photographs illustrating what he stated is minimal damage to sidewalks on Brush Drive. He also showed photographs of a neighboring street that has significantly more damage, as a comparison.

Robert Valeski, Brush Drive resident, stated he is the individual who initiated the first petition ten years ago. He submitted a copy of the petition to Council and highlighted the title of the document and description given in the petition. Mr. Valeski stated 94% of residents approved the original petition, and that he is concerned about standing water due to curb and gutter damage. He also stated his wife has tripped and injured herself twice in the area.

Councilmember Hansen asked Mr. Valeski for his opinion on the compromise solution mentioned by an earlier Public Speaker. Mr. Valeski asserted that proper drainage is needed on the entire street, and urged the project be completed in its entirety.

Nuuana Robinson, affiliated with Wesley Park Neighbors, spoke in favor of the agenda item pertaining to a moratorium on demolition permits and asked Council to vote "Yes" on the item.

Councilmember Green asked Ms. Robinson how many individuals signed the related petition, and Ms. Robinson responded 70% of the original area residents signed in favor. She stated the area has since been increased for notification purposes.

Monica Ruzich Hamilton, representing the Huntington Beach Community Emergency Response Team (CERT), announced that this year's disaster preparedness classes begin on February 18th, 7:45 a.m. to Noon, and will be held in the City Council Chambers. She asked interested individuals to call 714-536-5974 to register for the classes.

(City Council) Councilmember Hardy Announced Youth Board Member Competing on Jeopardy (120.85)

Councilmember Jill Hardy announced Youth Board member Andrew Kreitz is competing on Jeopardy, with the episode being televised at the same time as tonight's Council meeting.

(City Council) Mayor Pro Tem Coerper, Councilmember Green, and Mayor Sullivan Reported on the 3/1 Committee (110.10)

Mayor Pro Tem Coerper reported on the "3/1" Committee, announcing over 3,000 cards and notes sent to Marines by students, scouts, and others. He displayed a photo of the Huntington Beach city flag, which now flies over the Hiditha Dam. He also announced that pictures of spouses were sent to Marines for Valentines Day, and a donation was made of a set of tires to family that needed assistance. The Mayor Pro Tem stressed the importance of helping the Marines while they are serving our country.

Councilmember Green spoke regarding care packages and Welcome Home packages, asking for donations for the returning Marines. She asked interested individuals to send an email to HB4marines@aol.com or call 714-375-3131 to join the effort. Donation requests are \$25 per package.

Mayor Sullivan voiced his support for the Welcome Home packages, asking the community for their assistance. He also announced the May 22nd golf tournament fundraiser at Camp Pendleton. The Tournament starts at noon and will include lunch, dinner, and a special weapons display. The Mayor asked for sponsorships, both at the \$225 individual slot level and the major sponsor level. He announced the committee is also requesting donations of silent auction items, gifts for golfer gift bags, and tee and green sign sponsorships. Information can be obtained at the above email address and phone number.

(City Council) Announcement by Councilmember Cook of the Individual Appointment of Patricia Stier to the Fourth of July Board (110.20)

Councilmember Debbie Cook made the above announcement.

(City Council) Announcement by Councilmember Green of the Individual Appointment of Gary Gomez to the Fourth of July Board (110.20)

Councilmember Cathy Green made the above announcement.

(City Council) Announcement by Mayor Pro Tem Coerper of the Individual Appointments of Thomas Kang to the Fourth of July Board and George Rivera to the Public Works Commission (110.20)

Mayor Pro Tem Coerper made the above announcements. He thanked Julie Engquist and Public Works Director Beardsley for their efforts.

(City Council) Wildfire Update Given by Fire Chief Duane Olson (160.10)

Fire Chief Olson reported on fire activity in Irvine Park near the City of Orange. He stated a request was received earlier that day for strike teams, and the City of Huntington Beach had three engines report.

(City Council) Presentation Given by Lynn Harris, Manager of Community Development Division for Southern California Association of Governments (SCAG) (570.10)

City Administrator Penny Culbreth-Graft announced the presentation was being given at the request of Mayor Pro Tem Coerper. Ms. Harris gave a PowerPoint presentation describing the need for a vision pertaining to the regional transportation plan. She stated the 2% Strategy means only 2% of the regional land mass would be affected by changes.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's December 2005 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for December 2005.

City Treasurer Freidenrich gave a PowerPoint presentation titled *Treasurer's Report*, which was included in the agenda packet.

A motion was made by Coerper, second Hardy to review and accept the Monthly Investment Report titled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for December 2005*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Green, Coerper, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSENT: Bohr (Councilmember Bohr was out of the room at the time of the vote.)

(City Council) Public Hearing Held - Approved Zoning Text Amendment No. 05-02 (Lattice Fence Extensions With Neighborhood Notification) and Approved for Introduction Ordinance No. 3730 Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards (450.20)

Mayor Sullivan announced that this was the time noticed for a public hearing to consider the following:

ZONING TEXT AMENDMENT NO. 05-02 (INTERIOR PROPERTY LINES AND LATTICE FENCE EXTENSIONS WITH NEIGHBORHOOD NOTIFICATION)

Applicant: City of Huntington Beach

Request: To eliminate the need for an Administrative Permit and the 300-foot radius Neighborhood Notification for a two-foot lattice fence extension on an interior property line fence. Location: Citywide/Residential Zones.

Project Planner: Rosemary Medel

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Planning Manager Scott Hess gave an oral report.

Mayor Sullivan declared the public hearing open.

The Assistant City Clerk announced no Late Communications pertaining to this public hearing.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Coerper, second Hardy to 1. Approve Zoning Text Amendment No. 05-02 with Findings for Approval; and 2. After the City Clerk reads by title, Approve Introduction of Ordinance No. 3730- "*An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards.*" The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook
NOES: None

ZONING TEXT AMENDMENT NO. 05-02

FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 05-02:

1. Zoning Text Amendment No. 05-02 to amend Section 230.88 A, Permitted Fences and Walls of the Zoning and Subdivision Ordinance is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan because the amendment streamlines the entitlement process for an extension of height to an existing fence thereby furthering the City's development goals.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The amendment revises processing requirements and clarifies permitted use within the zoning classification.
3. A community need is demonstrated for the change proposed as directed by the City Council.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice by codifying existing policies and creating a zoning and subdivision ordinance more reflective of City priorities.

Consent Calendar - Items Removed for Separate Discussion

(City Council/Redevelopment Agency) Minutes.

(City Council) City Clerk's Annual Passport Acceptance Facility Report for January 1, 2005 through December 31, 2005.

(City Council) Project Specifications and Award MSC-430, Reconstruction of Various Residential Streets to Nobest, Inc.

Consent Calendar - Items approved

A motion was made by Bohr, second Coerper to approve the following Consent Calendar items, as recommended: The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook
NOES: None

(City Council) Authorized the Mayor to Give Power of Attorney to the County of Orange to Negotiate with Sprint-Nextel the Terms and Conditions of the 800 MHz Rebanding Project on the Behalf of the City of Huntington Beach (630.50) -

Authorized the Mayor to sign the 800 MHz CCCS Rebanding Power of Attorney. Submitted by the Information Services Director. Funding Source: The County of Orange has assured the City of Huntington Beach that there will be no cost to the City associated with the rebanding project. No equipment upgrades will be necessary and the County of Orange will assume the responsibility for reprogramming the radios. The cost of any city staff time spent participating in this project will also be reimbursed.

(City Council) Adopted Resolution No. 2006-4 Designating the Director of Building and Safety or the Director of Public Works as the City's Agent Authorized to Execute and File Applications for Federal and State Financial Assistance (630.50)

- Adopted Resolution No. 2006-4, "A Resolution of the City Council of the City of Huntington Beach Designating the Director of Building and Safety or the Director of Public Works as the City's Agent Authorized to Execute and File an Application for Federal and State Financial Assistance." Submitted by the Building and Safety Director. Funding Source: Not applicable.

(City Council) Approved Three Appointments to the Historic Resources Board With Terms Expiring March 31, 2007 (110.20) -

1) Accepted the resignation of Michelle Soutner, and approved the appointment of Roz Essner for a term to expire March 31, 2007, as recommended by Council liaisons Jill Hardy and Dave Sullivan; and 2) Accepted the resignation of Loretta Wolfe, and approved the appointment of Joe Santiago for a term to expire March 31, 2007, as recommended by Council liaisons Jill Hardy and Dave Sullivan; and 3) Approved the appointment of Marilyn Harris for a term to expire March 31, 2007, as recommended by Council liaisons Jill Hardy and Dave Sullivan. Submitted by the Community Services Director. Funding Source: Not applicable.

(City Council) Approved Revised Lease Agreement for Miley-Keck Tank Farm Located at 19081 Huntington Street for the Collection, Storage and Shipping of Crude Oil Produced by the Three City-Owned Oil Wells (600.10) -

1) Approved the lease agreement by and between the City of Huntington Beach and Tank Farm LC for the use of real property located at 19081 Huntington Street for the collection, storage, and shipping of crude oil produced by three City-owned oil wells; and 2) Authorized execution of the lease agreement by the Mayor and City Clerk. Submitted by the Fire Chief and the Economic Development Director. Funding Source: Funding is included in the Fire Department Fire Prevention Leases Account (10065201.70300).

(City Council) Approved Amendment No. 1 to Employment Agreement Between The City of Huntington Beach and Fire Chief Duane Olson, Effective December 5, 2005 Which Includes Longevity Pay, Mileage for City Vehicle Usage and Correction to Supplemental Retirement Benefit (600.10) -

On recommendation of the City Administrator, Council approved Amendment No. 1 to Employment Agreement Between the City of Huntington Beach and Duane Olson. Submitted by the City Administrator, DPA. Funding Source: Funds are available in the Fire Administration account 10065101.51100. (Postponed from the 1/3/06 meeting).

(City Council) Approved the Addition of One (1) Geographic Information System (GIS) Analyst Position to the Information Services Table of Organization to Support the Development Processes in the CityView Permit Application (700.10) -

Approved the addition of one (1) Geographic Information System (GIS) Analyst position and appropriated \$76,000 in business unit number 10042202 for Information Services Department. Submitted by the Building and Safety Director and the Information Services Director. Funding Source: The Automation Fee was created to support maintenance costs of the permit system and was recently modified to include the addition of a GIS Analyst position. The adopted fee is a 4.1% surcharge on all development processes that utilize the CityView permit system. The GIS Analyst position is totally supported by development activity fees.

(City Council) Approved a New Rental Agreement as Amended by Late Communication with the Tenant in Space 17 of Ocean View Estates (OVE) Mobilehome Park, Adopted Resolution No. 2006-5 Delegating Authority to Sign Future Rental Agreements, and Approved a New Master Rental Agreement for Ocean View Estates Mobilehome Park (600.10) - 1) Approved the new Ocean View Estates Rental Agreement for Space 17; and 2) Approved Resolution No. 2006-5 - "A Resolution of the City Council of the City of Huntington Beach Providing for the Execution of Lease Agreements, Rental Agreements, Deeds and Other Documents Relating to the Management of Ocean View Estates Mobilehome Park and Authority Over the Ocean View Estates Enterprise Fund."; and 3) Approved the master Ocean View Estates Rental Agreement that has been approved as to form by the City Attorney. Submitted by the Economic Development Director. Funding Source: Not applicable. (Postponed from the 1/3/06 meeting).

(City Council) Approved Garfield Avenue and Delaware Street Intersection Improvement Project Land Purchase in the Amount of \$900,000 for Real Property Located at 7761 Garfield Avenue (650.20) - 1) Approved the Agreement for Purchase and Sale of Real Property and Escrow Instructions in the amount of \$900,000 between the City of Huntington Beach and Helen M. Gabrielson for the real property located at 7761 Garfield Avenue; and 2) Authorized the Mayor and City Clerk to execute the agreement. Submitted by the Economic Development Director and the Public Works Director. Funding Source: The property cost exceeds the budgeted amount for the project; however, funds in the amount of \$900,000 are available in the Traffic Impact Fund, Street Widening, Land Purchase, Account No. 200690001.81100. Should additional funding be required for other projects in this business unit, amounts will be appropriated from the fund balance at that time.

(City Council) Approved Proposed Changes to the Table of Organization for Streamlining City Treasurer and Finance Office Operations. Approved the Non-Classified Positions and Set Compensation for the Deputy City Treasurer and Finance Director Positions. Adopted Resolution No. 2006-7 Amending the City Classification Plan by Adding the Job Specification for the Classification of Accounting Manager and Setting Compensation (700.10) - 1) Approved the proposed changes to the Table of Organization for the City Treasurer's Department and the Finance Office; and 2) Approved the non-classified position of Deputy City Treasurer and set compensation; and 3) Approved the non-classified position of Finance Director and set compensation; and 4) Directed the City Administrator, City Treasurer and City Attorney to prepare the necessary changes to the Municipal Code; and 5) Decreased the related staffing and operating appropriations in the City Treasurer's Department and increased the appropriations in the Finance Office; and 6) Adopted Resolution No. 2006-7, "A Resolution of the City Council of the City of Huntington Beach Amending the City Classification Plan by Adding the Job Specification for the Classification of Accounting Manager and Setting Compensation." Submitted by the City Treasurer and the Deputy City Administrator. Funding Source: General Fund unreserved fund balance.

(City Council/Redevelopment Agency) Minutes (120.65)

The City Council considered a communication from the City Clerk transmitting the minutes of the City Council/Redevelopment Agency Regular Meeting of January 3, 2006 and City Council/Redevelopment Agency Adjourned Regular Meeting of January 9, 2006 as written and on file in the Office of the City Clerk.

Mayor Sullivan requested that this agenda item be removed from the Consent Calendar to announce that the item would be continued to February 21, 2006 at the request of the City Administrator.

(City Council) Received and Filed City Clerk's Annual Passport Acceptance Facility Report for January 1, 2005 through December 31, 2005 (100.30)

The City Council considered a communication from the City Clerk transmitting the following **Statement of Issue**: Submitted for City Council review is the 2005 report of the City Clerk's Passport Acceptance Facility operations. During that Calendar Year, the clerk staff served 3,672 citizens with projected net revenue of \$84,521. Huntington Beach residents constituted the majority of customers (2,809) followed by Fountain Valley (357), Westminster (88) and Costa Mesa (52). The additional (366) customers were from various other cities. The City receives \$30.00 (fee set by the U.S. Department of State, Bureau of Consumer Affairs) for each passport processed by the City Clerk's Office.

Mayor Sullivan requested that this agenda item be removed from the Consent Calendar to highlight Passport Services provided by the City Clerk's Office.

A motion was made by Sullivan, second Coerper to receive and file the Annual Passport Acceptance Facility Report for 2005, as prepared and submitted by the Office of the City Clerk. The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook
NOES: None

(City Council) Approved Project Specifications and Awarded MSC-430, Reconstruction of Various Residential Streets to Nobest, Inc. - Directed Staff to Negotiate Contract Change Order as Detailed in Late Communication Submitted by Director Beardsley (600.90)

The City Council considered a communication from the Public Works Director transmitting the following **Statement of Issue**: Bids have been received for the Reconstruction of Various Residential Streets, MSC-430. Nobest, Inc. submitted the lowest responsible bid. Staff is requesting authorization to award the construction contract to Nobest, Inc., and proceed with the project. Funding Source: Funds in the total amount of \$4,250,000 have been designated for this purpose utilizing Measure M funds, Account No. 21390004.82300 (\$1,000,000) and Capital Improvement Reserve funds, Account No. 10040314.82300 (\$3,250,000).

Councilmember Green requested that this agenda item be removed from the Consent Calendar to ask for an update from Director Beardsley. Public Works Director Robert F. Beardsley spoke pertaining to the Late Communication announced earlier by the City Clerk, explaining the proposed changes. Councilmembers made inquiries about the options available, and voiced their opinions on the procedure and the "Tree List."

Mayor Pro Tem Coerper commented on the costs of the project and inquired if an evaluation had been made of Brush Drive. He asked the City Attorney to comment on liability risks if the entire street is not repaired. Attorney McGrath responded, stating the level of the City's exposure is not determined by petition results.

Councilmember Green asked for clarification on Brush Drive residents' requests for removal of trees in front of their homes, including curb and gutter repairs. Director Beardsley responded, stating that resident requests would be accepted by Public Works. Councilmember Green stated her support for repairing streets where residents have requested the repairs.

Councilmember Hardy inquired about petition requests, qualifications, ranking of streets, and repair requests and Director Beardsley reported. Councilmember Hardy voiced her support for the Recommended Action as amended by the Late Communication.

Further Council inquiries were made regarding the list of streets and \$1 million in Measure M funds. Councilmember Cook asked if staff has a list of streets with liability concerns, and Director Beardsley responded in the negative. Councilmember Cook requested staff evaluate Adams Street, as well as other arterial streets. Director Beardsley reported the current process is to address sidewalks, curbs and gutters while repairing streets. He also commented on repairing one side of a street at a time, in response to Councilmember Cook's inquiry.

Councilmember Hansen voiced his concerns with a compromise solution, stating that partial repairs may alter standing water and cause concerns for different residents. He stated his support for the revised Recommended Action.

Mayor Sullivan voiced his support for petitions and for projects being completed in full. He stated he does not support the compromise solution, but will vote for it if the motion is amended to include the following statement: As a result of this process, Brush Drive residents must re-initiate the petition process for future requested repairs, losing their current standing on the petition list. The Maker and Second to the motion accepted this amendment.

A motion was made by Hardy, second Coerper to 1) Approve the project specifications; and 2) Accept the lowest responsive, responsible bid submitted by Nobest, Inc. in the amount of \$3,600,058.45 for MSC-430; and 3) Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract; **and as amended 4)** Direct staff to negotiate a contract change order with Nobest, Inc., to substitute the Brush Drive project area with the next most feasible, highest priority street on the petition list after reserving sufficient project funds for Brush Drive, between Waite Lane and Newland Street to (a) effect satisfactory repairs to the sidewalks to mitigate immediate safety issues, (b) perform spot repairs to curbs and gutters where necessary for safety concerns, and (c) protect trees as much as feasible, to accomplish the necessary safety repairs without leaving any tree in an unsafe condition. As a result of this process, Brush Drive residents must re-initiate the petition process for future requested repairs, losing their current standing on the petition list. The motion carried by the following roll call vote:

AYES:	Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook
NOES:	None

(City Council) Adopted Resolution No. 2006-6 Approving Memorandum of Understanding (MOU) Between the City and the Huntington Beach Surf City Lifeguard Employees' Association (SCLEA) Covering the Period January 1, 2005 through December 31, 2006 (720.20)

City Administrator Penny Culbreth-Graft gave an oral report, referring to overhead slides that were included in the agenda packet.

A motion was made by Coerper, second Hardy to adopt Resolution No. 2006-6 - "*A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Lifeguard Employees' Association (SCLEA) and the City of Huntington Beach for the Term of January 1, 2005, Through December 31, 2006.*" The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook
NOES: None

(City Council) Adopted Ordinance No. 3725 Amending the Contract with CALPERS to Provide Pre-Retirement Optional Settlement 2 Death Benefit for Local Safety Members as Identified in Government Code Section 21548 (700.50)

A motion was made by Hardy, second Coerper to after the City Clerk read by title, adopt Ordinance No. 3725, "*An Ordinance of the City of Huntington Beach Authorizing An Amendment to the Contract Between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Huntington Beach Regarding the Provision of Pre-Retirement Optional Settlement 2 Death Benefits for Public Safety Members.*" The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook
NOES: None

(City Council) Approved for Introduction Ordinance No. 3729 Amending Ordinances Nos. 3653 and 3663 By Deleting the Administrative Appeal Procedure, and Permitting Taxpayers to Directly Appeal to Superior Court Any Denial of Property Tax Refund Claims Filed in Connection With the Case Entitled Howard Jarvis Taxpayers Association versus City of Huntington Beach, Orange County Superior Court Case No. 818780 (630.50)

A motion was made by Coerper, second Hardy to after City Clerk read by title, approve for Introduction Ordinance No. 3729, "*An Ordinance of the City of Huntington Beach Amending Ordinance Nos. 3653 and 3663 by Deleting the Administrative Appeal Procedure, and Permitting Taxpayers to Directly Appeal to Superior Court Any Denial of Property Tax Refund Claims Filed in Connection With the Case Entitled Howard Jarvis Taxpayers Association v. City of Huntington Beach, Orange County Superior Court Case No. 818780.*" The motion carried by the following roll call vote:

AYES: Bohr, Coerper, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSENT: Green (Councilmember Green was out of room at the time of the vote.)

(City Council) Approved Zoning Text Amendment (ZTA) No. 05-03 and Local Coastal Program Amendment (LCPA) No. 05-01 (Specific Plan Amendments). Approved for Introduction as Amended Ordinance No. 3726 and Resolution No. 2006-3 (Amending Specific Plan No. 4 - Huntington Harbour Bay Club); Approve for Introduction as Amended Ordinance No. 3727 (Amending Specific Plan No. 11 - McDonnell Centre Business Park) (Postponed from the 1/17/06 meeting) (450.20)

Mayor Sullivan inquired about comments made by a Public Speaker regarding the Bay Club Specific Plan. Planning Manager Scott Hess reported, stating that the ordinances address amendments to the Specific Plan itself, unrelated to development plans.

Councilmember Green clarified her reasons for supporting the amendments, and inquired if it would impact the application with the Coastal Commission. Manager Hess responded, stating that the amendments will need to be forwarded to Commission.

A motion was made by Hardy, second Coerper to:

1. Approve Zoning Text Amendment No. 05-03 and Local Coastal Program Amendment No. 05-01 (Specific Plan Amendments) as approved by City Council 1/17/06.
2. After City Clerk reads by title, approve for Introduction Ordinance No. 3726 by roll call vote - *"An Ordinance of the City of Huntington Beach Amending Specific Plan 4 (Huntington Harbour Bay Club Specific Plan) By Adding City Council Notification to Section 3.7 - Specific Plan Amendments (Zoning Text Amendment No. 05-03.)"*
3. Adopt Resolution No. 2006-3 - *"A Resolution of the City Council of the City of Huntington Beach, California, Adopting Local Coastal Program Amendment No. 05-01 (Zoning Text Amendment No. 05-03) And Requesting Its Certification By The California Coastal Commission."*
4. After City Clerk reads by title, Approve for Introduction Ordinance No. 3727 by roll call vote - *"An Ordinance of the City of Huntington Beach Amending Specific Plan 11 (McDonnell Centre Business Park Specific Plan) By Adding City Council Notification to Sections 3.0 - Administration, 3.4 - Parcel Maps and 3.5 - Site Plan Review (Zoning Text Amendment No. 05-03.)"*

The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, and Cook
NOES: Hansen

(City Council) Directed City Attorney to Draft Ordinance Amending Chapter 7.12 of the Huntington Beach Municipal Code as it Relates to the Keeping of Fowl and Rabbits (120.90)

The City Council considered a communication from Mayor Pro Tem Gil Coerper transmitting the following **Statement of Issue**:

The Huntington Beach Municipal Code, as it relates to the keeping of fowl and rabbits, was last modified in the 1970's. Currently, the Code allows a person to keep no more than ten chickens or similar domestic fowl. Also, the Code sets forth distance limitations on where the animals can be kept. The limitations are: at least 50 feet from the street line, at least 20 feet from the property line, at least 50 feet from the owner's residence or structure, and within 100 feet of surrounding residences or structures.

These limitations effectively prohibit some residents who wish to keep fowl and rabbits on their property from doing so, due to lot sizes that cannot accommodate the distance requirements. I am recommending an update of the Municipal Code as it relates to the keeping of these animals.

The proposed amendments reduce the number of chickens and other domestic fowl permitted under the Code, but allow more residents to keep them, as the distance limitations are less restrictive. For instance, with these proposed amendments, there would be no limitation of the keeping of fowl and rabbits in the proximity to the owner's residence, so long as it is at least 50 feet from the neighbors' residences.

Mayor Pro Tem Coerper reported orally, clarifying a change to the Recommended Action from four to six chickens.

Councilmember Cook suggested a 25-foot distance from neighbors, and the Mayor Pro Tem accepted the amendment.

Councilmember Green voiced concerns with regards to avian flu, and allowing multiple rabbits.

Mayor Pro Tem Coerper asked the City Attorney for clarification on the current code with regards to rabbits. Attorney McGrath explained the code permits one rabbit inside the home. Mayor Pro Tem Coerper suggested an additional amendment to the Recommended Action, to allow no more than two rabbits per household. Attorney McGrath asked for clarification on the Mayor Pro Tem's intention on permitting. Council agreed by consensus that permitting would be required for all animals.

Councilmember Bohr suggested that, due to the lack of requests for change, the limit for rabbits remain unchanged. The Mayor Pro Tem agreed with his suggestion.

A motion was made by Coerper, second Hardy to direct the City Attorney to draft an ordinance amending Chapter 7.12 as follows:

Section 7.12.120 - Keeping of Fowl and Rabbits

It is a nuisance for a person to keep chickens and similar domestic fowl or rabbits within **twenty-five (25)** feet from any dwelling house or structure, other than one that he or she occupies, or to keep any rooster over four (4) months old in the City limits. **Animals are required to be permitted.**

Section 7.12.130 - Fowl - Number Permitted

No person is permitted to keep in the City more than **Six (6)** in all of chickens, or similar domestic fowl, except newborn under eight (8) weeks of age. However, not more than twenty-four (24) chickens may be maintained. The motion carried by the following roll call vote:

AYES: Bohr, Coerper, Sullivan, Hardy, Hansen, and Cook
NOES: Green

(City Council) Directed Staff to Prepare An Interim Ordinance and Give Public Notice Consistent With the Government Code Providing for a Limited Moratorium on Demolition Permits In and Around The Wesley Park Tract (120.90)

The City Council considered a communication from Councilmember Green transmitting the following **Statement of Issue:** On December 19, 2005, the City Council directed staff to conduct neighborhood meetings and prepare a neighborhood conservation overlay for the area in and around the Wesley Park tract. The homeowners in this area have voiced concern regarding demolition of existing homes, which ultimately would lead to construction of new homes, that may be inconsistent with future standards of the neighborhood conservation overlay.

Councilmember Green gave an oral report, clarifying the borders for the current area in question is 12th Street, Lake Street, and Palm Street.

Councilmember Hardy commented on the borders of the area, asking interested individuals to attend the meeting being held the following evening to express their preferences.

Responding to an inquiry from Council, Brian Sullivan suggested a setback of 15 feet, maximum height of 30 feet and a maximum of 40% site coverage. Barbara Sullivan reported on aesthetic suggestions and her motivation for requesting the moratorium.

Councilmember Hansen asked staff for the number of demolition applications made in the potential moratorium area. Planning Manager Hess reported two applications are currently pending, that an environmental assessment will be required with these applications, and that they would both be subject to the demolition moratorium.

Councilmember Bohr asked for clarification on the goals of the moratorium, and Councilmember Green explained the history of the Wesley Park Tract and neighborhood overlays. City Attorney McGrath reported on moratorium extensions. Councilmember Bohr stated he would not support the Recommended Action.

Councilmember Hansen stated concurrence with Councilmember Bohr's comments and concerns with the moratorium.

Councilmember Hardy asked for confirmation that the moratorium can be lifted at any point, and Attorney McGrath reported in the affirmative.

Councilmember Cook stated her support for the moratorium and for assisting the neighborhood in finding a solution to the issue. Councilmember Bohr noted some current residents would like to increase the size of their homes and remain in the area.

Mayor Pro Tem Coerper voiced concern for how the moratorium will affect the rest of the City residences.

Councilmember Hansen stated concerns pertaining to architectural design guidelines and the challenge of gaining concurrence, but stated he would support the motion.

Mayor Sullivan asked the City Attorney how many votes are required to pass the moratorium ordinance, and Attorney McGrath reported 4/5 vote is required.

A motion was made by Green, second Coerper to direct staff to prepare an interim ordinance and give public notice consistent with the government code, which would provide for a moratorium on demolition permits for 45 days in the area depicted on the exhibit in the agenda packet. The motion carried by the following roll call vote:

AYES: Green, Coerper, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSTAIN: Bohr

(City Council) Mayor Pro Tem Coerper Reported on Habitat for Humanity Event (120.85)

Mayor Pro Tem Gil Coerper reported he had attended an event for Habitat for Humanity on January 28th. He thanked the Redevelopment Agency for participating in the program. He also thanked Councilmember Hardy for singing at the Miss Huntington Beach event.

(City Council) Councilmember Green Congratulated Geraldine Lucas on Engineer of Merit Award (120.85)

Councilmember Cathy Green congratulated Public Works Principal Environmental Engineer Geraldine Lucas on receiving the 2005 Government Engineer of Merit Award.

(City Council) Councilmember Hansen Spoke Regarding the Pacific Shoreline Marathon (120.85)

Councilmember Don Hansen stated he had participated in the Pacific Shoreline Marathon and congratulated the organizers on the success of the event.

(City Council) Mayor Sullivan Announced Miss Huntington Beach Event Results (120.85)

Mayor Dave Sullivan stated he had attended the Miss Huntington Beach event, and announced the results: Queen Summer Maue and Princesses Denise Willan and Caitlyn Becker.

Adjournment - City Council/Redevelopment Agency

Mayor Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:32 p.m. to Tuesday, February 21, 2006, at 4:00 p.m., in Room B-8 Civic Center, 2000 Main Street, Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chair